

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JUNE 17, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VAR-32873 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING -
 APPLICANT/OWNER: ANTONIO AND CRISTINA SOSA – Appeal filed from the denial by
 the Planning Commission of a request for a Variance TO ALLOW 16 PARKING SPACES
 WHERE 24 ARE REQUIRED FOR THE CONVERSION OF 500 SQUARE FEET OF OFFICE
 TO A RESTAURANT USE on 0.56 acres at 1499 North Lamb Boulevard (APN 140-29-101-
 006), N-S (Neighborhood Service) Zone, Ward 3 (Reese). The Planning Commission (6-0 vote)
 and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

55

City Council Meeting

7

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

102

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by TC Ayala Planning & Development
7. Protest/Support/Concern Postcards
8. Submitted at Meeting - Photo of Display Case and Support Petition with 94 Signatures by Tim Ayala
9. Backup Referenced from the 03-26-2009 Planning Commission Meeting Item 13

Motion made by STEVEN D. ROSS to Deny

Passed For: 5; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 1

LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, STEVEN D. ROSS,
 STAVROS S. ANTHONY; (Against-None); (Abstain-GARY REESE); (Did Not Vote-None);
 (Excused-RICKI Y. BARLOW)

NOTE: COUNCILMAN REESE stated that several years ago, the zoning on the subject property was changed to tax office and a beauty salon use. At the last meeting, the applicant's representative stated the application was for a barber shop. Being a barber, COUNCILMAN REESE opted to abstain at that time to avoid any conflict of interest. For the same reason, he disclosed he would be abstaining on this matter.

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NOTE: Although COUNCILMAN REESE disclosed he would be abstaining on this matter, the video record did not reflect his abstention and indicated he did not vote.

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

TIM AYALA, 4600 Sunset Road, appeared on behalf of the applicant. Using the overhead, he displayed photographs of the structure after renovations were made. MR. AYALA explained that a portion of the building had been leased for a tax preparation business; however, due to economic decline and failure to make monthly payments, the company ceased its operation.

In an effort to generate additional revenue, the applicant has proposed an ancillary feature to his beauty salon with the addition of a donut shop. With regard to the variance, MR. AYALA asked for a waiver of the required 24 parking spaces and a deviation from the standard setback requirements.

MR. AYALA submitted a petition of signatures from adjacent neighbors supporting the project. He asked for consideration and approval of the application.

MARGO WHEELER, Director of Planning and Development, clarified that a donut shop with a refrigerated display case is not considered a restaurant and, therefore, the application is not necessary or required.

ANTONIO SOSA confirmed that his intent is to sell donuts only. He mentioned that he spoke to the neighbors who were amenable to having a donut shop at this location.

ANTHONY HODGES remarked that the owner should be allowed to operate his donut shop with a six-month review.

MAX and CHARLENE RAILSBACK appeared in opposition and stated that MR. SOSA allows the fire lane to be used for parking, and, because his business is open seven days a week, the parking lot is always filled.

MARIE SOKOLICK supported the applicant's request, stating she understands he is trying to make a living. ROXANNE VAIAY also spoke in favor.

COUNCILMAN ROSS informed the Council that this property is licensed for a nail and beauty salon, including the sale of beauty products, the sale of insurance and a hot dog stand operation. In his possession, were 64 letters of opposition, copies of which were not submitted, regarding the parking variance, traffic issues and illegal activities on the site. The Councilman also read a list of citations, including code infractions, and was concerned about the reduction in parking spaces knowing the number of active licenses for this property.

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MAYOR GOODMAN stated that the initial request was for the conversion to a restaurant. Because the request has been changed to a donut shop, he recommended the item be stricken since approval by the City Council is not required for this purpose.

MAYOR GOODMAN declared the Public Hearing closed.

